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REMARKS

Claims 1-12 are pending in the application.

Support for amended claim 10 may be found in the specification at page 17, line 14.

Support for new dependent claim 11 may be found in the specification at page 8, lines 29 and 30. Support for new dependent claim 12 may be found in the specification at page 11, lines 3-5.

Claim 10 is rejected under 35 U.S.C. § 112, for the reasons set forth on page 2 of the Office Action. Applicant has made non-narrowing amendments to claim 10, which particularly points out therein that either skin layer (b) may be on the casting roll side of the film.

Applicant respectfully requests withdrawal of the §112 rejection.

Claims 1-10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over WO 00/12302 (WO'302) in view of DeLisio et al., U.S. Patent 6,458, 496 (DeLisio) or Peiffer et al., U.S. Patent 6,410,132 (Peiffer).

Applicant respectfully traverses the rejection.

As stated in the Office Action, the film of WO'302 does not teach the incorporation of a hydrocarbon resin into the skin layer(s) in the amount of 10-20 wt.% as taught by the present invention or that the film of WO'302 has the porosity or tear properties of the present invention. To achieve the porosity and tear properties of the film of the present invention in the film of WO'302, Applicant submits one would not look to the incorporation of hydrocarbon resins in the skin layers.

Delisio and Peiffer both teach the inclusion of additives, including hydrocarbon resins, to improve the heat sealing characteristics (Delisio, col. 1, lines 25-27) and the barrier properties (Peiffer, col.3, lines 53-55) of a film. Applicant respectfully submits that these teachings lead away from the porosity and tear property improvements of the present invention. The non-obviousness of Applicant's use of hydrocarbon resins to improve porosity and tear properties is

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further demonstrated by the teachings of Brew et al., U.S. Patent 5,667,902 (Brew). Brew teaches that the use of hydrogenated aromatic hydrocarbon resins as a modifier in a film (col. 4, lines 39-42) leads to improved moisture barrier properties (col. 1, lines 27-30 and col. 2, lines 1-5). Considering these three references as the teachings of the prior art, Applicant respectfully submits that no one seeking to improve upon the porosity and tear properties of the film of WO'302 would look to these teachings as the roadmap for any experimentation to achieve the desired end result.


Applicant respectfully submits that WO'302 does not teach either singularly or in combination with Delisio and/or Peiffer that a multi-layered bi-oriented film having hydrocarbon resins incorporated in its outer or skin layers is made in a process wherein a skin layer is on the casting roll side of the film. WO'302 teaches that an air cap (pg. 8, line 1) can be applied to the outside of the sheet. The outside of WO'302's sheet can be the base layer.

Applicant respectfully submits that for each of the foregoing reasons, the combined disclosures of the prior art references do not lead a person of ordinary skill in the art to the present invention.

Reconsideration and allowance are respectfully requested.

Respectfully requested,

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